

Evaluation of California Educational Benefit Review Process

Summary of Focused Groups
April 7 – 8, 2004

Presented by the National Center for Special Education
Accountability Monitoring (NCSEAM)

This document was created to present the results of an evaluation conducted of the Educational Benefit Review Process designed and implemented by the California Department of Education (CDE). The purpose of the evaluation was to determine potential revisions and/or improvements to the Educational Benefit Review Process. This project was a collaborative effort between the CDE and the National Center for Special Education Accountability Monitoring (NCSEAM). The document is divided into three parts including an overview of the Educational Benefit Review Process, the summary of input received from two focus groups, and the overall recommendations.

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Part 1
Overview of the California
Educational Benefit Review Process

The California Department of Education (CDE) has revised and focused its monitoring system to increase emphasis on educational benefit. The monitoring process is based upon five questions:

1. Does the district provide services that result in educational benefit using the Rowley standard?
2. Does the district provide services that result in educational benefit as measured by special education goals and key performance indicators?
3. Does the district comply with procedural guarantees that are known to be frequent noncompliance items in other districts?
4. Does the district fulfill its responsibilities as the district of residence when its students are served by other districts and programs?
5. Does the SELPA (of which the district is part) fulfill its responsibilities for monitoring the procedural elements of the local plan?

California defines compliance in the area of educational benefit as “the IEP team used procedurally compliant information and processes to plan a program that was reasonably calculated to result in educational benefit.” Educational benefit can be measured in a variety of ways including: achieving passing marks, advancing from grade to grade, making progress toward meeting goals and objectives, improved scores on statewide or district wide tests and alternate assessment measures, graduating with a diploma, passing the High School Exit Exam.

Reasonable calculation is defined by California as:

- complete assessment
- needs identified by the IEP team related to the disability and involvement and progress in the general curriculum
- established goals and objectives in each need area
- planned services to support progress toward all goals, progress in the general curriculum, participation in extracurricular and other nonacademic activities, and education with other disabled and nondisabled children

- review of the child's progress by the IEP team and adjusted if progress was not made and/or to address anticipated needs

The California monitoring process looks at educational benefit in two ways:

1. uses Key Performance Indicator (KPI) data to identify procedural elements that are associated with educational benefit (CDE Special Education Goals)
2. directly examines issues of educational benefit through team reviews of student records

Key Performance Indicators

Districts are selected based on low KPI scores relative to other districts in key KPIs. In order to examine educational benefit based on KPIs, specific "procedural guarantee" items were identified with KPIs if:

- there was a direct programmatic relationship (e.g. child find and assessment procedures to percent of students served or ethnic disparity)
- analysis of preliminary research findings indicated that the item or cluster of items was associated with "better" KPI values (e.g. complete IEP and reading scores)

Thus, the analysis of educational benefit in this area is designed to show those procedural items that may be contributing to "less desirable" KPI values.

Team Review of Student Records

California uses a team review of student records approach when investigating educational benefit. This approach is incorporated into the district on-site verification visits conducted by the CDE as well as into the self-review process conducted independently by the district.

The purpose of the educational benefit review process is to determine whether the IEP was reasonably calculated for educational benefit. During the 2002-2003 school year, five student records per school site were required to be reviewed for educational benefit to reflect a full spectrum of the district's special education programs and services. The number of required records increased during the 2003-2004 school year.

Representatives from the district who are familiar with the student's program meet with the state team to review documentation from the last three years of the student's program (e.g., triennial assessments, IEPs, progress reports). The documentation from each year is organized according to present performance (needs), goals, and services. This information is then charted on newsprint beginning with the most recent triennial.

The process assists teams in visualizing the student's special education program in order to answer the following important questions related to educational benefit:

1. Is the assessment complete and does it identify the student's needs?
2. Does the present performance include all of the needs identified in the assessment?
3. Are all of the student's educational needs addressed by appropriate goals and objectives?
4. Do the services support goals and objectives?
5. Did the student make yearly progress?
6. If the student did not make progress:
 - a. Were the goals and objectives changed in the next IEP to assist the student to make progress?
 - b. Were the services changed in the next IEP to assist the student to make progress?
7. Were enough services provided to ensure that the student would make progress?
8. To assess for overall compliance, considering the answers in each of the above, was the IEP Reasonably calculated to result in educational benefit?

Through implementation, the CDE believes that this process:

- is highly appreciated in the districts
- district staff are implementing new approaches and changing practice as a result of having participated in this process
- seems to infuse meaning back into what is written on paper
- highlights procedural issues in the context of the overall program
- helps to spot emerging trends (e.g. drop outs)
- forces continuity of program over time (every IEP is not a new day)

- brings into question the reasons for the change in services-levels, amount and location

Process Evaluation

The CDE made a commitment to refine the team review of student records for educational benefit through input from focus groups involving CDE staff and district personnel. On June 30, 2003, a work plan was developed collaboratively between the National Center for Special Education Accountability Monitoring (NCSEAM) and the CDE. This plan called for conducting internal and external focus groups on the Educational Benefit Review Process that were held on April 7 and 8 of 2004. Two focus groups were conducted one involving CDE monitors and the other involving local education agency (LEA) personnel.

Both focus groups were led by NCSEAM representatives with Dr. Jim Tucker serving as the facilitator and Dr. Sandy Schmitz documenting all comments and input electronically. The focus groups meetings were a minimum of two hours in length and held at the CDE. Four questions were asked of both groups:

1. What is educational benefit?
2. How is the educational review process implemented?
3. What have you learned and what have districts learned from the Educational Benefit Review Process?
4. What would you change if anything?
5. Relate questions 2 - 4 to the self-review process.

The remainder of this document reflects the summary and recommendation resulting from the focus groups.

Part 2
Summary of Comments
Received from CA Focus Groups

What is educational benefit?

NCSEAM Conclusions:

Both groups (CDE and district) consistently described the definition of “educational benefit” as being successful student outcomes as a result of a reasonably calculated special education program citing the Rowley decision.

Specific Comments Included:

- *Educational benefit comes from the Rowley decision.*
- *Education Benefit means we are making a difference for students based upon data.*
- *Is the student’s special education program reasonably calculated? Are the student needs pulled out of a battery of assessments and goals and benchmarks related?*

How is the Educational Benefit Review Process implemented?

NCSEAM Conclusions:

There is little or no consistency in methods used by CDE staff or district personnel in implementing the Educational Benefit Review Process during either the self-review or the verification review. The one exception being that most often the representatives on teams brought together to conduct the educational benefit review included primarily special education staff. It should be noted however that regardless of the procedures used by either CDE or district personnel to complete the process, staff from both agencies were unswerving in their support for the Educational Benefit Review Process and neither group indicated that the lack of consistency negatively impacted the integrity of the process.

The CDE staff and LEA personnel agreed that the first record for the educational benefit review takes at least 2 hours to complete (extreme example being 5 hours). Subsequent records are reviewed much quicker and take about half the time.

Specific Comments Included:

- *Depending on the size and type of district, X number of records need to be pulled. Then additional files are pulled to identify compliance issues as systemic. That same number is the number we pull for educational benefit review (K-12, preschool, and infants). That is the policy.*
- *Sometimes we choose records randomly and sometimes we need to select specific records in order to ensure that we have 3 years worth of data.*
- *I like to do the educational benefit review first and select records based upon the information from the KPI and from the parent meeting.*
- *I do record reviews first and then select educational benefit review records from what I found in the record reviews e.g. if the record review suggested there is an issue with graduation, the educational benefit review will be at the high school*
- *The Lead chooses which process will be used to select records.*
- *The first record takes 3 – 5 hours. After that we break into sub groups to complete the rest of the records. At the end the sub groups report out.*

What have you learned and what have districts learned from the Educational Benefit Review Process?

NCSEAM Conclusions:

Overwhelmingly, both the district and CDE staff felt the process was very valuable and has changed professional practice at the building level. Both groups felt that the process identifies gaps in the system and improves the special education services. The comments from both groups clearly indicate that systemic issues at the building level are found very quickly and it is not necessary to review more than 5 files to make these discoveries. Both CDE and district staff stated that the benefit of doing the educational review process is at the building level not the district level.

Specific Comments Included:

- *When districts are asked for input after the visit they always mention the educational benefit piece as the most valuable piece.*
- *We immediately recognized the benefit. The process forces the district to think in a very detailed way.*
- *It is viewed by LEAs as being truly “child centered” rather than just “process oriented.”*
- *The benefit is at the school site level not at the district level.*
- *Staff learn about the alignment of a child’s program. It must remain a TA function in that it helps the district take a “self-look.”*
- *Informs and encourages professional practice as opposed to the compliance issues.*
- *Districts are incorporating results into their improvement plan.*
- *LEAs state that it makes a big difference in how the IEP team is drafted and shows where the IEP actually breaks down.*
- *Found systemic issues at a site very quickly and did not need to do 10 files.*

What would you change if anything?

NCSEAM Conclusions:

District and CDE staff agreed that it is not necessary to review more than 5 records in order to gain an adequate evaluation of systemic issues related to educational benefit and that the requirements need to return to the original number of 5 files. Due to the time commitment for the Educational Benefit Review Process, it was agreed that the number should be reduced and the focus needs to be on the dialogue and analysis of the findings rather than on the number of records reviewed.

District representatives suggested there be different standards for the number of records required depending on the size and scarcity of the district e.g., percentage. It was also suggested that the requirements include selecting records from only those students who have been in the district for three years or more. This would eliminate a potential information void in records of students that are transient or may come to the district with incomplete records. There was disagreement among the district

representatives as to whether the directions and training were sufficient to allow the district to complete the educational benefit review. It was suggested by some districts that the directions need to be more clear and consistent not only at the training but when the district calls the CDE to ask for additional instructions during implementation.

CDE staff suggested that the Educational Benefit Review Process be conducted as only a technical assistance process and not as a compliance component of the verification review. The rationale included that when the Educational Benefit Review Process is conducted with an “officer of the state” present the district is more vulnerable in finding noncompliance in the area of “educational benefit.” They stated that the dialogue is the most valuable component but the paperwork and the lack of follow-up negatively impacts the value. CDE staff felt that follow-up would provide a continuation to ensure the benefit continues beyond the required process.

Specific Comments Included:

District and CDE comments:

- *Reducing the number would give more time for the analysis piece which gets “short-changed” when you have to hurry and get a large number of records reviewed.*
- *Less emphasis on the charting and more emphasis on the analysis piece---the dialogue is the most valuable piece.*

CDE comments

- *There needs to be follow-up by the CDE to verify how the district used the results of educational benefit review. We should spend the time on follow-up rather than on more educational benefit record reviews.*
- *Submit a report of the dialogue (what did they learn?, what changes did they make?) rather than the chart of “yes’s” and “no’s.” Or the form needs to be used or changed to include a more meaningful process.*
- *Implementing it as a TA function more than a strict compliance method.*
- *LEA staff become very intimidated when framed within compliance.*

- *As the state moves to standards-based curriculum the educational benefit review will point out huge gaps if it remains a part of compliance.*
- *The dialogue is the most valuable piece and the paperwork impacts the value.*
- *The lack of follow-up negatively impacts the overall process. Follow-up would provide a continuation to ensure the benefit continues.*

District comments:

- *Directions need to be more “user friendly” reinforcing the concepts and what they want from us.*
- *Record reviews need to be a more representative sampling of the total population the districts serves.*
- *District of service needs to review the files rather than the resident district. It is too difficult to get the information if the student is attending another district e.g., sensory impaired.*
- *Need to have different standards on the numbers of records depending on the size and sparsity of the district e.g., percentage.*
- *Directions should include selecting random files of children who have been in your system for three years.*
- *More streamline process to try and reduce the time commitment - need to cut the number of files. One suggestion was to select 10% of the files*
- *The initial training giving the first exposure needs to be very clear cut – examples in training need to include case examples that are clear and eliminate a mixed judgment factor when trying to train. There shouldn’t be controversy and include one example of meeting educational benefit and one not meeting it.*

Relate questions 1 – 3 to the self-review process.

All comments included by district personnel were reflecting their experience with the self-review process. The input collected from the CDE staff was inclusive of both the Educational Benefit Review Process during the verification visit and during the self-review process.

Part 2

Overall Recommendations

Overwhelmingly both the CDE and the district personnel felt that the Educational Benefit Review Process was extremely valuable and needs to be continued in some capacity. The following recommendations were offered in an effort to assist the CDE in revising and improving the process:

1. Reduce the number of required records to no more than 5 records.
2. Require districts to select records based on a representative sampling of the total student population the district serves as well as from records of students who have been enrolled in the district for three or more years.
3. Create a process/form/protocol to capture team dialogue and analysis.
4. Provide CDE follow-up to ensure that the benefit and impact resulting from the Educational Benefit Review Process continues beyond the required process.
5. Incorporate the Educational Benefit Review Process into the technical assistance role of the CDE rather than in the compliance monitoring role of the CDE.
6. Streamline the process to reduce the time commitment.
7. Create directions and instructions that are very “user friendly.”
8. Incorporate clear examples of case studies when training thereby reducing the judgment factor since the purpose of the exercise is to allow teams an opportunity to practice implementing the process.